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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

13      **In re ATM FEE ANTITRUST  
LITIGATION**

Master File No. C04-2676 CRB

## **CLASS ACTION**

**NOTICE OF MOTION AND MOTION TO  
COMPEL ALL DEFENDANTS TO PROVIDE  
DOCUMENTS RELEVANT TO PLAINTIFFS'  
FOURTH SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

17 This Document Relates To:  
18 ALL ACTIONS

Date: May 17, 2007  
Time: 2:00 p.m.  
Courtroom: 8  
The Honorable Charles R. Breyer

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 17, 2007, at 2:00 p.m. (or as soon  
3 thereafter as the matter may be heard) in the Courtroom of the Honorable Charles R. Breyer  
4 located at 450 Golden Gate Avenue, San Francisco, California, Plaintiffs will, and hereby do,  
5 move to compel the following parties as follows:

- 6 1. Defendants Concord EFS, Inc. and First Data Corporation to provide  
7 further responses and documents in response to Plaintiffs' Fourth Set of  
8 Requests for Production of Documents to Concord EFS, Inc. and First Data  
9 Corporation, pursuant to Rules 26 and 37 of the Federal Rules of Civil  
10 Procedure, as well as the Local Rules of the Northern District of California;  
11 and
- 12 2. Defendants JPMorgan Chase Bank, N.A. Successor-in-Interest to Bank  
13 One, N.A., Bank of America Corporation, Citibank, N.A., Successor-in-  
14 Interest to Citibank (West), FSB, SunTrust Banks, Inc., Wachovia  
15 Corporation, Wachovia Bank, N.A., Wells Fargo & Co., Wells Fargo  
16 Bank, N.A., and Servus Financial Corp. to provide further responses and  
17 documents in response to Plaintiffs' Fourth Set of Requests for Production  
18 of Documents to Bank Defendants, pursuant to Rules 26 and 37 of the  
19 Federal Rules of Civil Procedure as well as the Local Rules of the Northern  
20 District of California.

21 Plaintiffs' motion to compel is based on this Notice of Motion and Motion to  
22 Compel All Defendants To Provide Documents Relevant To Plaintiffs' Fourth Set Of Requests  
23 For Production Of Documents, the accompanying Plaintiffs' Memorandum in Support of Motion  
24 to Compel All Defendants To Provide Documents Relevant To Plaintiffs' Fourth Set Of Requests  
25 For Production Of Documents; the Declaration of Joseph R. Saveri in Support of Motion to  
26 Compel All Defendants To Provide Documents Relevant To Plaintiffs' Fourth Set Of Requests  
27 For Production Of Documents; Declaration of Joseph R. Saveri in Support of Motion to Compel  
28 Appending Relevant Discovery Requests and Responses; Declaration of Joseph R. Saveri in

1 Support of Motion to Compel Appending Court-File Documents; the [Proposed] Order Granting  
2 Plaintiffs' Motion to Compel All Defendants to Provide Documents Relevant to Plaintiffs' Fourth  
3 Set of Requests for Production of Documents; the pleadings and other matters on file in this  
4 action; and any arguments and testimony that may be heard.

5  
6 Dated: April 17, 2007

7  
8 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

9  
10 By: \_\_\_\_\_ /s/ Joseph R. Saveri  
11 Joseph R. Saveri

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